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ORIGINAL
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

JUN 06 2002

MARY E. DANDREA, CLERK
Per WU
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KONSTANTIN PROFATILO and
DORA PROFATILO, his wife,
Plaintiffs,
vs.

NO. 1:CV 00-0633

JUDGE:
WILLIAM W. CALDWELL, SR

THE MILTON S. HERSHEY MEDICAL
CENTER, PETER MUCHA, JR., M.D.,
MICHAEL C. BURNETT, M.D., and
KYM A. SALNESS, M.D.

Defendants.

JURY TRIAL DEMANDED

**JOINT MOTION TO EXTEND TIME TO RESPOND TO
MOTION FOR SUMMARY JUDGMENT OF KYM SALNESS, M.D.**

AND NOW comes Defendant, by and through his counsel, Thomas, Thomas & Hafer, LLP, and hereby avers as follows:

1. Defendant Kym A. Salness, M.D. filed a Motion for Summary Judgment with the Court on or about May 7, 2002 based upon an Affidavit of Non-Involvement pursuant to Section 506 of Act 13 of 2002, the Medical Care Availability and Reduction of Error ("M'care") Act, Act 13 of 2002, Section 506.
2. Plaintiffs' answer to the Motion for Summary Judgment of Dr. Salness would be due on or about June 7, 2002.
3. Counsel for Plaintiffs, Lewis Markowitz, Esquire, requested the deposition of Kym A. Salness, M.D. and a corporate designee from the Milton S. Hershey Medical Center to determine the accuracy of the Affidavit of Non-Involvement of Kym A. Salness, M.D. attached as Exhibit "B" to Defendants' Motion for Summary Judgment.
4. Mr. Markowitz indicated that, depending upon the testimony of these individuals, he may or may not consent to Dr. Salness's Motion for Summary Judgment.

5. Under the circumstances, counsel for Defendants have no objection to Mr. Markowitz taking these depositions.

6. Plaintiffs' counsel, Lewis Markowitz, Esquire, is currently residing in South Carolina for health purposes.

7. The parties have been unable to schedule these depositions due to the respective schedules of counsel for the parties as well as the schedules of Dr. Salness, who is currently the Professor and Chair of the Department of Emergency Medicine at Milton S. Hershey Medical Center.

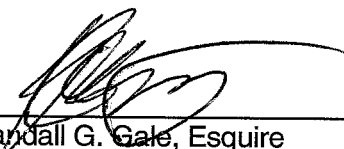
8. For the foregoing reasons, the parties request that the Court extend Plaintiffs' deadline in which to respond to the Motion for Summary Judgment of Salness for thirty (30) days from when the depositions of Dr. Salness and the Hershey Medical Center corporate designee are transcribed and signed by the witnesses.

WHEREFORE, for the foregoing reasons, the parties request that the Court grant the joint Petition to Extend Time for the reasons set forth above.

Respectfully submitted,

Thomas, Thomas & Hafer, LLP

By



Randall G. Gale, Esquire
Attorney No. 26149
Hugh P. O'Neill, III, Esquire
Attorney No. 69986
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Harrisburg, PA 17108
(717) 255-7648
Attorneys for Defendants

Dated: 6/6/02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KONSTANTIN PROFATILO and
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NO. 1:CV 00-0633

JUDGE:
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JURY TRIAL DEMANDED

CERTIFICATE OF NON-OPPOSITION TO MOTION TO EXTEND TIME

1. I, Lewis H. Markowitz, Esquire, am counsel of record for Plaintiffs Konstantin Profatilo and Dora Profatilo in the above-captioned matter.
2. I wish to take the depositions of Kym A. Salness, M.D. and a designee of the Milton S. Hershey Medical Center regarding the facts set forth in Dr. Salness's Affidavit of Non-Involvement which was filed with this Court on May 7, 2002.
3. I have been unable to schedule mutually agreeable dates for the depositions of Dr. Salness or a designee from Milton S. Hershey Medical Center due to my availability, defense counsel's availability or availability of the witnesses.
4. I have reached an agreement with counsel for Defendants, Randy G. Gale, Esquire, that I shall have sixty days (60) days from June 7, 2002 in which to take the depositions, and thirty (30) days thereafter in which to file a written response, if any, to Dr. Salness's Motion for Summary Judgment.

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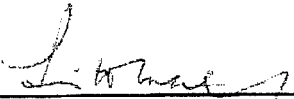
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5. I have reviewed the Motion to Extend Time and agree with its contents and the proposed Order.



Lewis H. Markowitz, Esquire

CERTIFICATE OF SERVICE

I, Hugh P. O'Neill, III, Esquire of the law firm of Thomas, Thomas & Hafer, LLP, Attorneys for Defendants, do hereby certify that on this 6 day of June, 2002 that service of the aforementioned document was made upon the following by depositing a true and correct copy in the United States mail, postage prepaid, at Harrisburg, Pennsylvania.

Lewis H. Markowitz, Esquire
606 Argent Way
Bluffton, SC 29910

BY: _____


Hugh P. O'Neill, III, Esquire

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